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HOUSE BILL 425

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE MOTOR TRANSPORTATION
HIGHWAY POLICE ACT; CREATING THE MOTOR TRANSPORTATION HIGHWAY
POLICE DEPARTMENT AND THE POSITION OF STATE DIRECTOR OF THAT
DEPARTMENT; ASSIGNING POWERS AND DUTIES; PROVIDING FOR
PERSONNEL APPOINTMENTS; REQUIRING REGIONAL TRANSIT DISTRICT
POLICING BY JOINT POWERS AGREEMENT BETWEEN THE MOTOR
TRANSPORTATION HIGHWAY POLICE DEPARTMENT AND REGIONAL TRANSIT
DISTRICTS; PROVIDING FOR OPERATIONAL SUPPORT AND MAINTENANCE;
REQUIRING THE HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT AND STATE LAW ENFORCEMENT AGENCIES TO PREPARE AND
REPORT THE RESULTS OF A STATEWIDE LAW ENFORCEMENT STRATEGIC
PLAN; TRANSFERRING THE MOTOR TRANSPORTATION DIVISION OF THE
DEPARTMENT OF PUBLIC SAFETY TO THE MOTOR TRANSPORTATION HIGHWAY
POLICE DEPARTMENT; TRANSFERRING DEPARTMENT OF PUBLIC SAFETY
POSITIONS TO THE MOTOR TRANSPORTATION HIGHWAY POLICE

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1 DEPARTMENT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE
2 NMSA 1978.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

5 Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
6 through 10 of this act may be cited as the "Motor
7 Transportation Highway Police Act".

8 Section 2. [NEW MATERIAL] DEFINITIONS.--As used in the
9 Motor Transportation Highway Police Act:

10 A. "department" means the motor transportation
11 highway police department; and

12 B. "state director" means the state director of
13 motor transportation highway police.

14 Section 3. [NEW MATERIAL] MOTOR TRANSPORTATION HIGHWAY
15 POLICE DEPARTMENT CREATED.--The "motor transportation highway
16 police department" is created in the executive branch. The
17 department is not a cabinet department.

18 Section 4. [NEW MATERIAL] STATE DIRECTOR--POWERS AND
19 DUTIES.--

20 A. The chief administrative and executive officer
21 of the department is the "state director of motor
22 transportation highway police", who shall be appointed by the
23 governor and hold office at the pleasure of the governor.

24 B. The state director is responsible to the
25 governor for the operation of the department. It is the state

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1 director's duty to manage all operations of the department and
2 to administer and enforce the laws with which the state
3 director or the department is charged.

4 C. To perform the state director's duties, the
5 state director has every power expressly enumerated in the
6 laws, whether granted to the state director or the department
7 or any division of the department, except where authority
8 conferred upon any division is explicitly exempted from the
9 state director's authority by statute. In accordance with
10 these provisions, the state director shall:

11 (1) except as otherwise provided in the Motor
12 Transportation Highway Police Act, exercise general supervisory
13 and appointing authority over all department employees pursuant
14 to the Personnel Act and rules promulgated pursuant to that
15 act;

16 (2) delegate authority to subordinates as the
17 state director deems necessary and appropriate, clearly
18 delineating such delegated authority and the limitations
19 thereto;

20 (3) organize the department into those
21 organizational units the state director deems will enable it to
22 function most efficiently, subject to any provisions of law
23 requiring or establishing specific organizational units;

24 (4) within the limitations of available
25 appropriations and applicable laws, employ and fix the

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1 compensation of those persons necessary to discharge the state
2 director's duties;

3 (5) take administrative action by issuing
4 orders and instructions, not inconsistent with the law, to
5 ensure implementation of and compliance with the provisions of
6 law for whose administration or execution the state director is
7 responsible and to enforce those orders and instructions by
8 appropriate administrative action or actions in the courts;

9 (6) conduct research and studies that will
10 improve the operations of the department and the provision of
11 services to the residents of the state;

12 (7) provide courses of instruction and
13 practical training for employees of the department and other
14 persons involved in the administration of programs, with the
15 objective of improving the operations and efficiency of
16 administration;

17 (8) prepare an annual budget of the
18 department; and

19 (9) provide cooperation, at the request of
20 heads of administratively attached agencies, in order to:

21 (a) minimize or eliminate duplication of
22 services and jurisdictional conflicts;

23 (b) coordinate activities and resolve
24 problems of mutual concern; and

25 (c) resolve by agreement the manner and

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1 extent to which the department shall provide budgeting,
2 record-keeping and related clerical assistance to
3 administratively attached agencies.

4 D. The state director may apply for and receive,
5 with the governor's approval, in the name of the department any
6 public or private funds, including United States government
7 funds, available to the department to carry out its programs,
8 duties or services.

9 E. The state director may make and adopt such
10 reasonable and procedural rules as may be necessary to carry
11 out the duties of the department. No rule shall be effective
12 until approved by the state director, unless otherwise provided
13 by statute. Unless otherwise provided by statute, no rule
14 affecting any person or agency outside the department shall be
15 adopted, amended or repealed without a public hearing on the
16 proposed action before the state director or a hearing officer
17 designated by the state director. The public hearing shall be
18 held in Santa Fe unless otherwise permitted by statute. Notice
19 of the subject matter of the rule, the action proposed to be
20 taken, the time and place of the hearing, the manner in which
21 interested persons may present their views and the method by
22 which copies of the proposed rule, proposed amendment or repeal
23 of an existing rule may be obtained shall be published once at
24 least thirty days prior to the hearing date in a newspaper of
25 general circulation and mailed at least thirty days prior to

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1 the hearing date to all persons who have made a written request
2 for advance notice of hearing. All rules shall be filed in
3 accordance with the State Rules Act.

4 Section 5. [NEW MATERIAL] PERSONNEL, APPOINTMENTS AND
5 COMMISSIONS.--The department shall consist of the state
6 director, deputy state director, majors, captains, lieutenants,
7 sergeants, patrol officers and noncommissioned personnel within
8 the limits of legislative appropriations for the department.
9 The state director shall appoint officers and noncommissioned
10 personnel pursuant to the Personnel Act and rules promulgated
11 pursuant to that act. The state director shall commission
12 officers.

13 Section 6. [NEW MATERIAL] QUALIFICATIONS OF AN
14 OFFICER.--An officer, except the state director, shall:

15 A. at the time of the officer's appointment, be a
16 citizen of the United States and at least twenty-one years of
17 age;

18 B. be of good moral character and not have been
19 convicted of a felony or an infamous crime in a court of a
20 county, this state or another state or in a federal court;

21 C. pass examinations, including a physical
22 examination, that the department may require; and

23 D. hold a high school diploma or the equivalent.

24 Section 7. [NEW MATERIAL] DIRECTOR AND OTHER
25 OFFICERS--POWERS AND DUTIES.--The state director and other

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1 officers shall be:

2 A. peace officers in the performance of their
3 duties with full power to apprehend, arrest and bring before
4 the proper court of law violators within the state and
5 authority to enforce the Motor Carrier Act, the Motor
6 Transportation Act, the Motor Vehicle Code and the Criminal
7 Code; and

8 B. ex-officio deputies and agents of the officers
9 of the taxation and revenue department and of the officers and
10 departments within the state charged with registration of motor
11 vehicles and the issuance of licenses to operators of motor
12 vehicles.

13 Section 8. [NEW MATERIAL] UNIFORM AND BADGES--UNIFORM
14 ALLOWANCE TO BE SET BY STATE DIRECTOR.--The state director
15 shall prescribe a suitable and distinctive uniform for
16 officers. The state director shall provide and issue to each
17 officer a uniform and an appropriate badge, which shall contain
18 in plain legible letters the words "Motor Transportation
19 Police". The prescribed uniform and badge shall be worn at all
20 times when on duty, except by direction of the state director
21 or the governor. A uniform allowance shall be established by
22 the state director and allowed in addition to an officer's and
23 a noncommissioned uniformed employee's salary and paid
24 according to department policy.

25 Section 9. [NEW MATERIAL] REGIONAL TRANSIT DISTRICT

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1 POLICING--AGREEMENT.--The department shall enter into an
2 agreement, pursuant to the Joint Powers Agreements Act, with a
3 regional transit district created by the Regional Transit
4 District Act to provide security, safety and police services on
5 or in rolling stock, property, rights of way, easements and
6 facilities owned, leased, licensed or operated by the district.
7 Upon entering an agreement, the department shall:

8 A. organize a unit within the department to be
9 referred to as regional transit district police;

10 B. with the cost being defrayed pursuant to the
11 terms and conditions of an agreement, hire no more than
12 thirteen full-time-equivalent employees to meet the purposes of
13 this section and the agreement; and

14 C. train officers as motive power and equipment
15 inspectors in order to conduct investigations of collisions,
16 derailments and other accidents involving the regional transit
17 district.

18 Section 10. [NEW MATERIAL] OPERATIONAL SUPPORT AND
19 MAINTENANCE.--

20 A. The department of public safety shall provide
21 police dispatch services to the department.

22 B. The department of information technology shall
23 provide information technology infrastructure and support to
24 the department.

25 C. The department shall procure vehicle and other

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1 equipment maintenance and repair statewide, as the state
2 director deems necessary, from private vendors pursuant to the
3 Procurement Code.

4 Section 11. Section 7-15A-14 NMSA 1978 (being Laws 2003
5 (1st S.S.), Chapter 3, Section 8, as amended) is amended to
6 read:

7 "7-15A-14. WEIGHT DISTANCE TAX IDENTIFICATION PERMIT
8 FUND.--The "weight distance tax identification permit fund" is
9 created in the state treasury. The purpose of the fund is to
10 provide an account from which the department may pay the costs
11 of issuing and administering weight distance tax identification
12 permits and of enforcing weight distance tax identification
13 permit use. The fund shall consist of administrative fees
14 collected pursuant to the Weight Distance Tax Act. Money in
15 the fund shall be appropriated to the department to pay for the
16 cost of issuance and administration of weight distance tax
17 identification permits and of enforcement by the department or
18 the motor transportation [~~division of the~~] highway police
19 department [~~of public safety~~] of weight distance tax
20 identification permit use for motor carriers that do not comply
21 with the provisions of the Weight Distance Tax Act.
22 Disbursements from the fund shall be by warrant of the
23 secretary of finance and administration upon vouchers signed by
24 the secretary or the secretary's authorized representative.
25 Money in the fund shall not revert to the general fund at the

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1 end of a fiscal year."

2 Section 12. Section 9-19-4 NMSA 1978 (being Laws 1987,
3 Chapter 254, Section 4, as amended) is amended to read:

4 "9-19-4. DEPARTMENT ESTABLISHED.--There is created in the
5 executive branch the "department of public safety". The
6 department shall be a cabinet department and shall consist of,
7 but not be limited to, [~~five~~] four program divisions, an
8 administrative division and an information technology division
9 as follows:

- 10 A. the New Mexico state police division;
11 B. the special investigations division;
12 C. the training and recruiting division;
13 D. the technical support division;
14 E. the administrative services division; and
15 [~~F. the motor transportation division; and~~
16 ~~G.~~] F. the information technology division."

17 Section 13. Section 9-28-5 NMSA 1978 (being Laws 2007,
18 Chapter 291, Section 5) is amended to read:

19 "9-28-5. DEPARTMENT DUTIES.--The department shall:

20 A. coordinate the homeland security and emergency
21 management efforts of all state and local government agencies,
22 as well as enlist cooperation from private entities such as
23 health care providers;

24 B. apply for and accept federal funds for homeland
25 security, administer the funds and develop criteria to allocate

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1 grants to local governments, tribes, state agencies and other
2 qualified entities;

3 C. act as liaison between federal, state and local
4 agencies to effect the improved sharing of counterterrorism
5 intelligence;

6 D. provide information to the general public and to
7 private businesses that is essential to ensuring their safety
8 and security and provide the governor with timely information
9 relating to emergencies, disasters and acts of terrorism or
10 terrorist threats;

11 E. establish security standards for state
12 facilities and for protection of their occupants and develop
13 plans for the continuity of state government operations in the
14 event of a threat or act of terrorism or other natural or man-
15 made disaster;

16 F. identify the state's critical infrastructures
17 and assist public and private entities with developing plans
18 and procedures designed to implement the protective actions
19 necessary to continue operations;

20 G. coordinate state agency and local government
21 plans for prevention, preparedness and response with a focus on
22 an all-hazards approach;

23 H. coordinate law enforcement counterterrorism
24 prevention, preparedness and response training on a statewide
25 basis, including training for emergency responders, government

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1 officials, health care providers and others as appropriate;

2 I. work with emergency response and emergency
3 management programs and provide assistance in developing and
4 conducting terrorism response exercises for emergency
5 responders, government officials, health care providers and
6 others;

7 J. coordinate law enforcement's and emergency
8 responders' response to an act of terrorism or terrorist
9 threat;

10 K. develop and maintain a statewide plan and
11 strategy to manage and allocate federal grant funds required to
12 provide the state's emergency response community with the
13 equipment necessary to respond to an act of terrorism involving
14 a weapon of mass destruction; [~~and~~]

15 L. in conjunction with all state agencies with law
16 enforcement powers and duties, prepare a comprehensive
17 statewide law enforcement strategic plan for the efficient,
18 effective and coordinated provision of law enforcement services
19 with measurable goals for evaluating performance and assessing
20 progress in effectuating the plan. The department shall report
21 the results of the measurements annually prior to October 1 to
22 the legislative finance committee and the appropriate interim
23 committee of the legislature; and

24 [~~L.~~] M. perform such other duties relating to
25 homeland security as may be assigned by the governor."

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1 Section 14. Section 65-1-2 NMSA 1978 (being Laws 1978,
2 Chapter 19, Section 1, as amended) is amended to read:

3 "65-1-2. DEFINITIONS.--As used in the Motor
4 Transportation Act:

5 A. "combination" means any connected assemblage of
6 a motor vehicle and one or more semitrailers, trailers or
7 semitrailers converted to trailers by means of a converter
8 gear;

9 B. "combination gross vehicle weight" means the sum
10 total of the gross vehicle weights of all units of a
11 combination;

12 C. "commercial motor carrier vehicle" means a self-
13 propelled or towed vehicle, other than special mobile
14 equipment, used on public highways in commerce to transport
15 passengers or property when the vehicle:

16 (1) is operated interstate and has a gross
17 vehicle weight rating or gross combination weight rating, or
18 gross vehicle weight or gross combination weight, of four
19 thousand five hundred thirty-six kilograms, or ten thousand one
20 pounds or more; or is operated only in intrastate commerce and
21 has a gross vehicle weight rating or gross combination weight
22 rating, or gross vehicle weight or gross combination weight, of
23 twenty-six thousand one or more pounds;

24 (2) is designed or used to transport more than
25 eight passengers, including the driver, and is used to

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1 transport passengers for compensation;

2 (3) is designed or used to transport more than
3 fifteen passengers, including the driver, and is not used to
4 transport passengers for compensation; or

5 (4) is used to transport hazardous materials
6 of the type or quantity requiring placarding under rules
7 prescribed by applicable federal or state law;

8 D. "converter gear" means any assemblage of one or
9 more axles with a fifth wheel mounted [~~thereon~~] designed for
10 use in a combination to support the front end of a semitrailer,
11 but not be permanently attached [~~thereto~~]. A "converter gear"
12 shall not be considered a vehicle as that term is used in
13 Chapter 66 NMSA 1978, but its weight [~~attributable thereto~~]
14 shall be included in declared gross weight;

15 E. "declared gross weight" means maximum gross
16 vehicle weight or combination gross vehicle weight at which a
17 vehicle or combination will be operated during the registration
18 period as declared by the registrant for registration and fee
19 purposes. The vehicle or combination shall have only one
20 "declared gross weight" for all operating considerations;

21 F. "department", without modification, means the
22 motor transportation highway police department [~~of public~~
23 ~~safety, the secretary of public safety~~], the director or [~~any~~]
24 an employee of the department exercising authority lawfully
25 delegated to that employee by the [~~secretary~~] director;

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1 G. "director" means the [~~secretary~~] state director
2 of motor transportation highway police;

3 H. "division" means [~~the motor transportation~~
4 ~~division of~~] the department;

5 I. "evidence of registration" means documentation
6 issued by the taxation and revenue department identifying a
7 motor carrier vehicle as being registered with New Mexico or
8 documentation issued by another state pursuant to the terms of
9 a multistate agreement on registration of vehicles to which
10 this state is a party identifying a motor carrier vehicle as
11 being registered with that state; provided that evidence of
12 payment of the weight distance tax and permits obtained under
13 either the Special Fuels Supplier Tax Act or Trip Tax Act are
14 not "evidence of registration";

15 J. "field enforcement" or "in the field" means
16 patrolling of the highway, stopping of commercial motor carrier
17 vehicles or establishing ports of entry and roadblocks for the
18 purpose of checking motor carriers and includes similar
19 activities;

20 K. "freight trailer" means any trailer, semitrailer
21 or pole trailer drawn by a truck tractor or road tractor and
22 any trailer, semitrailer or pole trailer drawn by a truck that
23 has a gross vehicle weight of more than twenty-six thousand
24 pounds, but the term does not include house trailers, trailers
25 of less than one-ton carrying capacity used to transport

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1 animals or fertilizer trailers of less than three thousand five
2 hundred pounds empty weight;

3 L. "gross vehicle weight" means the weight of a
4 vehicle without load plus the weight of any load [~~thereon~~];

5 M. "motor carrier" means any person that owns,
6 controls, operates or manages any motor vehicle with gross
7 vehicle weight of twelve thousand pounds or more that is used
8 to transport persons or property on the public highways of this
9 state;

10 N. "motor vehicle" means any vehicle or device that
11 is propelled by an internal combustion engine or electric motor
12 power that is used or may be used on the public highways for
13 the purpose of transporting persons or property and includes
14 any connected trailer or semitrailer;

15 O. "one-way rental fleet" means two or more
16 vehicles, each having a gross vehicle weight of under twenty-
17 six thousand one pounds and rented to the public without a
18 driver;

19 P. "person" means any individual, estate, trust,
20 receiver, cooperative association, club, corporation, company,
21 firm, partnership, joint venture, syndicate or other
22 association; "person" also means, to the extent permitted by
23 law, any federal, state or other governmental unit or
24 subdivision or an agency, department or instrumentality
25 [~~thereof~~]; "person" also includes an officer or employee of a

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1 corporation, a member or employee of a partnership or any
2 individual who, as such, is under a duty to perform any act in
3 respect of which a violation occurs;

4 Q. "properly registered" means bearing the lawfully
5 issued and currently valid evidence of registration of this or
6 another jurisdiction, regardless of the owner's residence,
7 except in those cases where the evidence has been procured by
8 misrepresentation or fraud;

9 R. "public highway" means every way or place
10 generally open to the use of the public as a matter of right
11 for the purpose of vehicular travel, even though it may be
12 temporarily closed or restricted for the purpose of
13 construction, maintenance, repair or reconstruction;

14 S. "secretary" means the [~~secretary of public~~
15 ~~safety~~] director and, except for the purposes of Section
16 65-1-33 NMSA 1978, also includes [~~the~~] a deputy [~~secretary~~]
17 director and any division director delegated by the [~~secretary~~]
18 director;

19 T. "state" or "jurisdiction" means a state,
20 territory or possession of the United States, the District of
21 Columbia, the commonwealth of Puerto Rico, a foreign country or
22 a state or province of a foreign country; and

23 U. "utility trailer" means any trailer, semitrailer
24 or pole trailer and includes house trailers that exceed neither
25 eight feet in width nor forty feet in length, but does not

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1 include freight trailers, trailers of less than one-ton
2 carrying capacity used to transport animals or fertilizer
3 trailers of less than three thousand five hundred pounds empty
4 weight."

5 Section 15. Section 65-2A-4 NMSA 1978 (being Laws 2003,
6 Chapter 359, Section 4) is amended to read:

7 "65-2A-4. POWERS AND DUTIES OF THE COMMISSION.--

8 A. In accordance with the Motor Carrier Act, the
9 commission shall:

10 (1) issue operating authorities for a motor
11 carrier operating in New Mexico;

12 (2) establish minimum requirements for
13 financial responsibility for a motor carrier;

14 (3) establish safety requirements for
15 intrastate motor carrier motor vehicles and drivers subject to
16 the jurisdiction of the commission, provided that the safety
17 requirements shall not be inconsistent with or more stringent
18 than applicable federal safety standards;

19 (4) establish reasonable requirements with
20 respect to continuous and adequate service to be provided under
21 an operating authority;

22 (5) regulate the rates of intrastate common
23 motor carriers of persons and household goods and towing
24 services performing nonconsensual tows, including rates for
25 storing household goods and motor vehicles;

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1 (6) determine matters of public convenience
2 and necessity relating to motor carriers;

3 (7) subpoena witnesses and records, enforce
4 its subpoenas through a court and, through the court, seek a
5 remedy for contempt;

6 (8) hold a public hearing specific to a
7 protest or request that has been filed timely in opposition to
8 or in consideration of an application; and

9 (9) adopt rules, issue orders and conduct
10 activities necessary to implement and enforce the Motor Carrier
11 Act.

12 B. The commission may:

13 (1) designate inspectors who may inspect the
14 records of a motor carrier subject to the Motor Carrier Act and
15 who shall have the powers of peace officers in the state's
16 political subdivisions with respect to a law or rule that the
17 commission is empowered to enforce pursuant to Section 65-1-6
18 NMSA 1978, excluding the enforcement authority granted to the
19 motor transportation [~~division of the~~] highway police
20 department [~~of public safety~~];

21 (2) institute civil actions in the district
22 court of Santa Fe county in its own name to enforce the Motor
23 Carrier Act, its orders and rules and, in the name of the
24 state, to recover assessments of administrative fines;

25 (3) from time to time, modify the type of

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1 service, territory, terms, conditions and limitations of
2 operating authorities previously issued and change or rescind
3 rates previously adopted as needed; and

4 (4) adopt rules to implement these powers."

5 Section 16. Section 65-2A-19 NMSA 1978 (being Laws 2003,
6 Chapter 359, Section 19) is amended to read:

7 "65-2A-19. SAFETY REQUIREMENTS FOR MOTOR VEHICLES AND
8 DRIVERS USED IN COMPENSATED TRANSPORTATION.--

9 A. A motor carrier shall provide safe and adequate
10 service, equipment and facilities for the rendition of
11 transportation services in this state.

12 B. The commission shall prescribe safety
13 requirements for drivers and for motor vehicles weighing
14 twenty-six thousand pounds or less or carrying fifteen or fewer
15 persons, including the driver, used by intrastate motor
16 carriers operating in this state. The commission may prescribe
17 additional requirements related to safety, including driver
18 safety training programs, vehicle preventive maintenance
19 programs, inquiries regarding the safety of the motor vehicles
20 and drivers employed by a motor carrier, and the
21 appropriateness of the motor vehicles and equipment for the
22 transportation services to be provided by the motor carrier.

23 C. A commuter service shall certify that it has a
24 program providing for an initial drug test for a person seeking
25 to be a commuter service driver. The program shall use

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1 reasonable collection and analysis procedures to ensure
2 accurate results, require testing only for substances
3 controlled by federal regulation of commercial motor carriers
4 and ensure the confidentiality of the test results and medical
5 information obtained.

6 D. The motor transportation [~~division of the~~
7 highway police department [~~of public safety~~] may immediately
8 order, without notice or a public hearing, a motor vehicle to
9 be taken out of service for violation of a federal or state law
10 or rule relating to safety if the violation would endanger the
11 public health or safety."

12 Section 17. Section 65-2A-27 NMSA 1978 (being Laws 2003,
13 Chapter 359, Section 27) is amended to read:

14 "65-2A-27. INVOLUNTARY SUSPENSION, REVOCATION OR
15 AMENDMENT OF OPERATING AUTHORITIES--REINSTATEMENT.--

16 A. The commission shall immediately suspend,
17 without notice or a public hearing, the operating authority of
18 a motor carrier for failure to continuously maintain the forms
19 and amounts of financial responsibility prescribed by
20 commission rule.

21 B. The commission may immediately suspend, without
22 notice or a public hearing, the operating authority of a motor
23 carrier for violation of a safety requirement of the Motor
24 Carrier Act, the commission's rules or the rules of the motor
25 transportation [~~division of the~~] highway police department [~~of~~

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1 ~~public safety~~] if the violation endangers the public health or
2 safety.

3 C. The commission may, upon complaint or the
4 commission's own initiative and after notice and a public
5 hearing, if required, order involuntary suspension, revocation
6 or amendment, in whole or in part, of an operating authority
7 for failure to:

8 (1) comply with a provision of the Motor
9 Carrier Act;

10 (2) comply with a lawful order or rule of the
11 commission;

12 (3) comply with a term, condition or
13 limitation of an operating authority; or

14 (4) render reasonably continuous and adequate
15 service under a certificate or permit.

16 D. The commission may approve an application for
17 reinstatement of an operating authority following involuntary
18 suspension if it finds, after notice and public hearing
19 requirements are met, that:

20 (1) the reasons for the involuntary suspension
21 no longer pertain; and

22 (2) the owner of the operating authority is
23 fit, willing and able to provide the authorized transportation
24 services and to comply with the Motor Carrier Act and the rules
25 of the commission."

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1 Section 18. Section 65-2A-29 NMSA 1978 (being Laws 2003,
2 Chapter 359, Section 29) is amended to read:

3 "65-2A-29. REPORTS AND RECORDS.--

4 A. The commission shall establish reasonable
5 requirements with respect to reports, records and uniform
6 systems of accounts and preservation of records for motor
7 carriers.

8 B. The commission may require a motor carrier
9 owning operating authority from the commission to prepare and
10 transmit to the commission an annual report of its operations.
11 The report shall be in the form, contain specific information,
12 including financial information, and be due on a date as the
13 commission may by rule require. Financial data filed by motor
14 carriers in annual reports shall not be made available for
15 inspection by the public.

16 C. The commission or its employees or duly
17 authorized agents shall, at all times, have access to:

18 (1) land, buildings, improvements to real
19 property and equipment of motor carriers used in connection
20 with their operations; and

21 (2) records kept by motor carriers.

22 D. The commission may, by order, require a motor
23 carrier subject to the Motor Carrier Act, or its officers or
24 agents, to produce within this state at such reasonable time
25 and place as it may designate, original or certified copies of

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1 records regardless of where they are kept by the motor carrier
2 when their production is pertinent to a matter before the
3 commission in order that the commission may examine them.

4 E. The motor transportation [~~division of the~~
5 highway police department [~~of public safety~~] shall furnish to
6 the commission all information needed or required by the
7 commission to carry out its responsibilities when the
8 information is obtainable only through field enforcement."

9 Section 19. Section 66-1-4.17 NMSA 1978 (being Laws 1990,
10 Chapter 120, Section 18, as amended) is amended to read:

11 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
12 Code:

13 A. "tank vehicle" means a motor vehicle that is
14 designed to transport any liquid or gaseous material within a
15 tank that is either permanently or temporarily attached to the
16 vehicle or the chassis and that has either a gross vehicle
17 weight rating of twenty-six thousand one or more pounds or is
18 used in the transportation of hazardous materials requiring
19 placarding of the vehicle under applicable law;

20 B. "taxicab" means a motor vehicle used for hire in
21 the transportation of persons, having a normal seating capacity
22 of not more than seven persons;

23 C. "temporary off-site location" means a location
24 other than a dealer's established or additional place of
25 business that is used exclusively for the display of vehicles

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1 or vessels for sale or resale and for related business;

2 D. "through highway" means every highway or portion
3 of a highway at the entrance to which vehicular traffic from
4 intersecting highways is required by law to stop before
5 entering or crossing it when stop signs are erected as provided
6 in the Motor Vehicle Code;

7 E. "title service company" means a person, other
8 than the department, an agent of the department, a licensed
9 dealer or the motor transportation ~~[division of the]~~ highway
10 police department ~~[of public safety]~~ who for consideration
11 issues temporary registration plates or prepares and submits to
12 the department on behalf of others applications for
13 registration of or title to motor vehicles;

14 F. "traffic" means pedestrians, ridden or herded
15 animals, vehicles and other conveyances either singly or
16 together using any highway for purposes of travel;

17 G. "traffic-control signal" means any device,
18 whether manually, electrically or mechanically operated, by
19 which traffic is alternately directed to stop and to proceed;

20 H. "traffic safety bureau" means the traffic safety
21 bureau of the department of transportation;

22 I. "trailer" means any vehicle without motive
23 power, designed for carrying persons or property and for being
24 drawn by a motor vehicle, and so constructed that no
25 significant part of its weight rests upon the towing vehicle;

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1 J. "transaction" means all operations necessary at
2 one time with respect to one identification card, one driver,
3 one vessel or one vehicle;

4 K. "transportation inspector" means an employee of
5 the motor transportation [~~division of the~~] highway police
6 department [~~of public safety~~] who has been certified by the
7 director of the division to enter upon and perform inspections
8 of motor carriers' vehicles in operation;

9 L. "transporter of manufactured homes" means a
10 commercial motor vehicle operation engaged in the business of
11 transporting manufactured homes from the manufacturer's
12 location to the first dealer's location. A "transporter of
13 manufactured homes" may or may not be associated with or
14 affiliated with a particular manufacturer or dealer;

15 M. "travel trailer" means a trailer with a camping
16 body and includes recreational travel trailers and camping
17 trailers;

18 N. "trial court" means the magistrate, municipal or
19 district court that tries the case concerning an alleged
20 violation of a provision of the Motor Vehicle Code;

21 O. "tribal court" means a court created by a tribe
22 or a court of Indian offense created by the United States
23 secretary of the interior;

24 P. "tribe" means an Indian nation, tribe or pueblo
25 located wholly or partially in New Mexico;

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1 Q. "truck" means every motor vehicle designed, used
2 or maintained primarily for the transportation of property;

3 R. "truck camper" means a camping body designed to
4 be loaded onto, or affixed to, the bed or chassis of a truck.
5 A camping body, when combined with a truck or truck cab and
6 chassis, even though not attached permanently, becomes a part
7 of the motor vehicle, and together they are a recreational unit
8 to be known as a "truck camper"; there are three general types
9 of truck campers:

10 (1) "slide-in camper" means a camping body
11 designed to be loaded onto and unloaded from the bed of a
12 pickup truck;

13 (2) "chassis-mount camper" means a camping
14 body designed to be affixed to a truck cab and chassis; and

15 (3) "pickup cover" or "camper shell" means a
16 camping body designed to provide an all-weather protective
17 enclosure over the bed of a pickup truck and to be affixed to
18 the pickup truck; and

19 S. "truck tractor" means every motor vehicle
20 designed and used primarily for drawing other vehicles and
21 constructed to carry a part of the weight of the vehicle and
22 load drawn."

23 Section 20. Section 66-3-2 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 22, as amended) is amended to read:

25 "66-3-2. REGISTRATION--TRAILERS, SEMITRAILERS, POLE
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1 TRAILERS AND FREIGHT TRAILERS.--

2 A. The motor transportation [~~division of the~~
3 highway police department [~~of public safety~~] and the motor
4 vehicle division of the taxation and revenue department,
5 according to their appropriate jurisdictions, shall grant
6 permanent registration to freight trailers subject to
7 registration and may grant permanent registration to utility
8 trailers not used in commerce whose gross vehicle weight is
9 less than six thousand one pounds upon application and payment
10 of the fee required by Section 66-6-3 NMSA 1978. The
11 registration shall expire, however, upon the transfer of title
12 or interest in the vehicle, at which time the vehicle shall be
13 reregistered.

14 B. In registering trailers, semitrailers and pole
15 trailers, the motor transportation [~~division~~] highway police
16 department and the motor vehicle division may require such
17 information and documents and may make such tests and
18 investigations as they deem necessary and practicable to
19 determine or to verify the empty weights and gross vehicle
20 weights and to ensure that the vehicles may be safely and
21 legally operated upon the highways of this state."

22 Section 21. Section 66-6-4 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 339, as amended) is amended to read:

24 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS, ROAD
25 TRACTORS AND BUSES.--

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1 A. Within their respective jurisdictions, the motor
2 vehicle division and the motor transportation [~~division of the~~
3 highway police department [~~of public safety~~] shall charge
4 registration fees for trucks, truck tractors, road tractors and
5 buses, except as otherwise provided by law, according to the
6 schedule of Subsection B of this section.

7	B. Declared Gross Weight	Fee
8	001 to 4,000	\$40
9	4,001 to 6,000	55
10	6,001 to 8,000	69
11	8,001 to 10,000	84
12	10,001 to 12,000	99
13	12,001 to 14,000	113
14	14,001 to 16,000	128
15	16,001 to 18,000	143
16	18,001 to 20,000	157
17	20,001 to 22,000	172
18	22,001 to 24,000	187
19	24,001 to 26,000	201
20	26,001 to 48,000	118
21	48,001 and over	172.

22 C. All trucks whose declared gross weight or whose
23 gross vehicle weight is less than twenty-six thousand pounds,
24 after five years of registration, calculated from the date when
25 the vehicle was first registered in this or another state,

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1 shall be charged registration fees at eighty percent of the
2 rate set out in Subsection B of this section.

3 D. All trucks with a gross vehicle weight of more
4 than twenty-six thousand pounds and all truck tractors and road
5 tractors used to tow freight trailers shall be registered on
6 the basis of gross combination vehicle weight.

7 E. All trucks with a gross vehicle weight of
8 twenty-six thousand pounds or less shall be registered on the
9 basis of gross vehicle weight. A trailer, semitrailer or pole
10 trailer towed by a truck of such gross vehicle weight shall be
11 classified as a utility trailer for registration purposes
12 unless otherwise provided by law.

13 F. All farm vehicles having a declared gross weight
14 of more than six thousand pounds shall be charged registration
15 fees of two-thirds of the rate of the respective fees provided
16 in this section and shall be issued distinctive registration
17 plates. "Farm vehicle" means a vehicle owned by a person whose
18 principal occupation is farming or ranching and which vehicle
19 is used principally in the transportation of farm and ranch
20 products to market and farm and ranch supplies and livestock
21 from the place of purchase to farms and ranches in this state;
22 provided that the vehicle is not used for hire.

23 G. In addition to other registration fees imposed
24 by this section, beginning July 1, 1994, an annual tire
25 recycling fee of one dollar fifty cents (\$1.50) is imposed at
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1 the time of registration on each vehicle subject to a
2 registration fee pursuant to this section, except for vehicles
3 with a declared gross weight of greater than twenty-six
4 thousand pounds upon which registration fees are imposed by
5 Subsection B of this section.

6 H. Three percent of registration fees of trucks
7 having from twenty-six thousand one pounds to forty-eight
8 thousand pounds declared gross vehicle weight is to be
9 transferred to the recycling and illegal dumping fund pursuant
10 to the provisions of Section 66-6-23 NMSA 1978.

11 I. Three and seventy-five hundredths percent of
12 registration fees of trucks in excess of forty-eight thousand
13 pounds declared gross vehicle weight is to be transferred to
14 the recycling and illegal dumping fund pursuant to the
15 provisions of Section 66-6-23 NMSA 1978."

16 Section 22. Section 66-7-207 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 396, as amended) is amended to read:

18 "66-7-207. WRITTEN REPORTS OF ACCIDENTS.--

19 A. The driver of a vehicle involved in an accident
20 resulting in bodily injury to or death of any person or total
21 property damage to an apparent extent of five hundred dollars
22 (\$500) or more shall, within five days after the accident,
23 forward a written report of the accident to the department of
24 transportation.

25 B. The department of transportation may require any

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1 driver of a vehicle involved in an accident of which report
2 must be made as provided in this section to file supplemental
3 reports whenever the original report is insufficient in the
4 opinion of the department of transportation and may require
5 witnesses of accidents to render reports concerning the
6 accidents to the department of transportation.

7 C. Every law enforcement officer who, in the
8 regular course of duty, investigates a motor vehicle accident
9 of which report must be made as required in this section,
10 either at the time of and at the scene of the accident or
11 thereafter by interviewing participants or witnesses, shall,
12 within twenty-four hours after completing the investigation,
13 forward a written report of the accident to the department of
14 transportation. A law enforcement officer shall also, within
15 twenty-four hours after completing the investigation, forward
16 the written report of the accident to the motor transportation
17 [~~division of the~~] highway police department [~~of public safety~~]
18 if the accident involves a commercial motor vehicle and results
19 in:

20 (1) bodily injury to any person and the person
21 is transported to a medical facility for immediate medical
22 attention;

23 (2) the death of any person; or

24 (3) any vehicle involved in the accident being
25 towed from the scene due to disabling damage caused by the

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1 accident."

2 Section 23. Section 66-7-314 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 418, as amended) is amended to read:

4 "66-7-314. MOVEMENT OF HAZARDOUS VEHICLE--ESCORT MAY BE
5 REQUIRED.--When, in the judgment of the motor transportation
6 [~~division of the~~] highway police department [~~of public safety~~]
7 or local authorities with respect to highways under their
8 jurisdiction, the movement of any vehicle is deemed a hazard to
9 traffic upon a highway over which the vehicle is to travel, the
10 granting of permission for the movement of the vehicle may be
11 conditioned upon a special escort accompanying the hazardous
12 vehicle."

13 Section 24. Section 66-7-411 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 482, as amended) is amended to read:

15 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
16 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

17 A. A police officer with the motor transportation
18 [~~division or the New Mexico state police division of the~~]
19 highway police department [~~of public safety~~], having reason to
20 believe that the weight of a vehicle and load is unlawful, may
21 require the driver to stop and submit to weighing of the
22 vehicle and load by means of either portable or stationary
23 scales and may require the vehicle to be driven to the nearest
24 scales approved by the motor transportation highway police
25 department [~~of public safety~~] if the scales are within five

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1 miles.

2 B. When a police officer with the motor
3 transportation [~~division~~] highway police department or the New
4 Mexico state police division of the department of public safety
5 or a transportation inspector, upon weighing a vehicle or
6 combination, determines that the gross vehicle weight or
7 combination gross vehicle weight exceeds the maximum authorized
8 by Sections 66-7-409 and 66-7-410 NMSA 1978, the officer or
9 inspector shall require the driver or owner of the vehicle or
10 combination to unload that portion of the load necessary to
11 decrease the gross vehicle weight or combination gross vehicle
12 weight to the authorized maximum.

13 C. A driver of a vehicle who fails or refuses to
14 stop and submit the vehicle and load to weighing or who fails
15 or refuses, when directed by a duly authorized police officer
16 with the motor transportation [~~division~~] highway police
17 department or the New Mexico state police division of the
18 department of public safety or a transportation inspector, upon
19 a weighing of the vehicle, to unload the vehicle and otherwise
20 comply with the provisions of this section is guilty of a
21 misdemeanor.

22 D. A shipper or a person loading the vehicle who
23 intentionally overloads a vehicle that the shipper or person
24 has reason to believe will travel in that condition upon a
25 public highway is guilty of a misdemeanor and shall be fined in

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1 accordance with Subsection E of this section.

2 E. In all cases of violations of weight
3 limitations, the penalties shall be assessed and imposed in
4 accordance with the following schedule:

5 WEIGHT OF EXCESS	
6 LOAD IN POUNDS	7 AMOUNT OF FINE
8 1 to 3,000	9 fifty dollars (\$50.00)
10 3,001 to 4,000	11 eighty dollars (\$80.00)
12 4,001 to 5,000	13 one hundred dollars (\$100)
14 5,001 to 6,000	15 one hundred fifty dollars (\$150)
16 6,001 to 7,000	17 two hundred fifty dollars (\$250)
18 7,001 to 8,000	19 three hundred fifty dollars (\$350)
20 8,001 to 9,000	21 four hundred dollars (\$400)
22 9,001 to 10,000	23 five hundred dollars (\$500)
24 over 10,000	25 seven hundred dollars (\$700)."

Section 25. Section 66-7-412 NMSA 1978 (being Laws 1959,
Chapter 247, Section 1, as amended) is amended to read:

"66-7-412. SPECIAL FARM PERMITS.--The motor
transportation [~~division of the~~] highway police department [~~of
public safety~~] shall have the authority to issue special
permits at all ports of entry where registration stations or
places where inspection and registration services are
maintained by [~~the motor transportation division~~] that
department to all implements of husbandry using the highways,
including farm tractors, and to the instrumentalities or

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1 vehicles that may be carrying the implements of husbandry,
2 including farm tractors, when the securing of these permits is
3 required by law."

4 Section 26. Section 66-7-413.2 NMSA 1978 (being Laws
5 1989, Chapter 291, Section 1, as amended) is amended to read:

6 "66-7-413.2. ENGINEERING INVESTIGATIONS FOR VEHICLES IN
7 EXCESS OF ONE HUNDRED SEVENTY THOUSAND POUNDS.--

8 A. All vehicles with a gross vehicle weight in
9 excess of one hundred seventy thousand pounds shall require a
10 special permit as provided for in Section 66-7-413 NMSA 1978,
11 and no such permit shall be issued unless:

12 (1) an engineering investigation and review
13 have been conducted to:

14 (a) establish whether the move could be
15 made without visible or documented damages to the portion of
16 road or bridges upon which the move is to be made;

17 (b) establish whether the move could be
18 made without visible or documented damages to any private
19 facilities along the road upon which the move is to be made;
20 and

21 (c) estimate the cost for any necessary
22 modifications the move may cause; and

23 (2) when required, the applicant has submitted
24 to the motor transportation [~~division of the~~] highway police
25 department [~~of public safety~~] and the local highway authorities

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1 all pertinent information requested of the applicant by [~~the~~
2 ~~motor transportation division of the~~] that department [~~of~~
3 ~~public safety~~]. If the submitted data [~~is~~] are not acceptable
4 to the [~~state highway and~~] department of transportation
5 [~~department~~], the applicant will be advised by the motor
6 transportation [~~division of the~~] highway police department [~~of~~
7 ~~public safety~~] that engineering investigations will be
8 conducted by the [~~state highway and~~] department of
9 transportation [~~department~~] and the cost incurred by the [~~state~~
10 ~~highway and~~] department of transportation [~~department~~] will be
11 paid by the applicant as an added cost to [~~his~~] the permit fee.

12 B. The motor transportation [~~division of the~~
13 highway police department [~~of public safety~~] shall adopt the
14 necessary rules and regulations for the development of data for
15 an investigation to determine whether to issue any special
16 permit pursuant to Section 66-7-413 NMSA 1978.

17 C. The applicant or the applicant's employer shall
18 pay the costs for any modifications to the road, bridges or
19 private facilities along the road that the motor transportation
20 [~~division of the~~] highway police department [~~of public safety~~]
21 has determined are necessary for the issuance of the special
22 permit and the costs for any damages to the road or bridges
23 that are the result of the move and the fault of the mover and
24 not [~~the motor transportation division of the~~] of that
25 department [~~of public safety~~].

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1 D. Any person who violates the provisions of
2 Subsection A of this section [~~shall be~~] is guilty of a
3 misdemeanor and punished by a fine of not more than one
4 thousand dollars (\$1,000) or imprisonment for a definite term
5 not to exceed six months, or both.

6 E. Nothing contained in this section shall limit in
7 any manner the authority of the state, a county, a municipality
8 or a political subdivision [~~thereof~~] to collect damages for any
9 unlawful use of highways as provided by law."

10 Section 27. Section 66-7-413.4 NMSA 1978 (being Laws
11 2001, Chapter 20, Section 2, as amended) is amended to read:

12 "66-7-413.4. PERMITS FOR EXCESSIVE WEIGHT.--

13 A. In addition to the authority granted in Section
14 66-7-413 NMSA 1978, the motor transportation [~~division of the~~]
15 highway police department [~~of public safety~~] may issue special
16 permits authorizing an increase of up to twenty-five percent in
17 axle weight for liquid hauling tank vehicles whenever the
18 liquid hauling tank vehicles would have to haul less than a
19 full tank under the maximum weights authorized in [~~Section~~]
20 Sections 66-7-409 and 66-7-410 NMSA 1978. A special permit
21 under this section may be issued for a single trip or for a
22 year. The fee for the permits shall be thirty-five dollars
23 (\$35.00) for a single-trip permit and one hundred twenty
24 dollars (\$120) for an annual permit. Revenue from the permit
25 fee shall be used to build, maintain, repair or reconstruct the

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1 highways and bridges of this state. Revenue from the permit
2 shall be collected for the department of transportation and
3 transferred to the state road fund.

4 B. The special permits authorized by this section
5 shall not be valid for transportation of excessive weights on
6 the interstate system as currently defined in federal law or as
7 that system may be defined in the future. A special permit
8 issued pursuant to this section shall not be valid for gross
9 vehicle weights in excess of eighty-six thousand four hundred
10 pounds or for a combination vehicle.

11 C. If the federal highway administration of the
12 United States department of transportation gives official
13 notice that money will be withheld or that this section
14 violates the grandfather provision of 23 USCA 127, the
15 secretary may withdraw all special permits and discontinue
16 issuance of all special permits authorized in this section
17 until such time that final determination is made. If the final
18 determination allows the state to issue the special permits
19 without sanction of funds or weight tables, the secretary shall
20 reissue the special permits previously withdrawn and make the
21 special permits available pursuant to this section."

22 Section 28. Section 66-7-415 NMSA 1978 (being Laws 1955,
23 Chapter 37, Section 12, as amended) is amended to read:

24 "66-7-415. WHEN THE STATE TRANSPORTATION COMMISSION OR
25 LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE STREETS.--

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1 A. Local authorities, with respect to streets under
2 their jurisdiction, may also, by ordinance or resolution,
3 prohibit the operation of trucks or other commercial vehicles
4 or may impose limitations as to ~~[the]~~ size or weight ~~[thereof]~~,
5 on designated streets in areas that are primarily residential,
6 which prohibitions and limitations shall be designated by
7 appropriate signs placed on ~~[such]~~ the street.

8 B. The local authority enacting an ordinance or
9 resolution shall erect or cause to be erected and maintained
10 signs designating the provisions of the ordinance or resolution
11 at each end of that portion of ~~[any]~~ the street affected, and
12 the ordinance or resolution shall not be effective ~~[unless and]~~
13 until ~~[such]~~ signs are erected and maintained and notice
14 ~~[thereof]~~ given in writing to the nearest officer or employee
15 of the motor transportation ~~[division of the]~~ highway police
16 department ~~[of public safety]~~ authorized to issue special
17 permits.

18 C. The state transportation commission shall
19 likewise have authority, as granted to local authorities in
20 Subsections A and B of this section, to determine by resolution
21 and to impose restrictions as to the size and weight of
22 vehicles operated upon any highways under the jurisdiction of
23 the commission, and such restrictions shall be effective ~~[on~~
24 ~~and after]~~ upon the passage of a resolution and when signs
25 giving notice thereof are erected upon the highway or portion

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1 of any highway affected by [~~such~~] the resolution. The
2 commission shall deliver a copy of all restrictions adopted by
3 it to the motor transportation [~~division of the~~] highway police
4 department [~~of public safety~~]."

5 Section 29. Section 66-7-505 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 492, as amended) is amended to read:

7 "66-7-505. ADVISORY COMMITTEE--CREATION--MEMBERS--
8 TERMS.--

9 A. There is created a five-member advisory
10 committee to the bureau. The chief is, ex officio, the chair
11 and a voting member of the committee. The governor shall
12 appoint three members, to terms coterminous with the governor's
13 tenure, who shall have the following qualifications:

14 (1) one member who is representative of the
15 law enforcement agencies of this state;

16 (2) one member who is representative of the
17 school bus transportation function of the public education
18 department; and

19 (3) one member who is representative of the
20 motor transportation [~~division of the~~] highway police
21 department [~~of public safety~~].

22 B. Appointees who are public officers or public
23 employees shall be compensated for attendance at meetings
24 according to the Per Diem and Mileage Act. Appointees who are
25 not public officers or employees shall be compensated for

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1 attendance at meetings in commensurate amount."

2 Section 30. Section 73-25-1 NMSA 1978 (being Laws 2003,
3 Chapter 65, Section 1) is amended to read:

4 "73-25-1. SHORT TITLE.--~~[This act]~~ Chapter 73, Article 25
5 NMSA 1978 may be cited as the "Regional Transit District Act"."

6 Section 31. A new section of the Regional Transit
7 District Act is enacted to read:

8 "[NEW MATERIAL] REGIONAL TRANSIT DISTRICT
9 POLICING--AGREEMENT.--The district shall enter into an
10 agreement, pursuant to the Joint Powers Agreements Act, with
11 the motor transportation highway police department for the
12 provision of security, safety and police services on or in
13 rolling stock, property, rights of way, easements and
14 facilities owned, leased, licensed or operated by the
15 district."

16 Section 32. Section 74-13-9 NMSA 1978 (being Laws 2005,
17 Chapter 171, Section 9) is amended to read:

18 "74-13-9. SCRAP TIRE MANIFEST SYSTEM.--A scrap tire
19 generator who transports or offers for transportation, scrap
20 tires for [~~offsite~~] off-site handling, altering, storage,
21 disposal or for any combination thereof shall complete a scrap
22 tire manifest pursuant to rules adopted by the board. Upon
23 demand, the manifest for every generator whose scrap tire load
24 is transported shall be shown to an officer of the motor
25 transportation [~~division of the~~] highway police department [~~of~~

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1 ~~public safety~~], the New Mexico state police, a local law
2 enforcement officer or the secretary or the secretary's
3 designee."

4 Section 33. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
5 PROPERTY, CONTRACTS AND REFERENCES IN LAW AND RULES.--On July
6 1, 2009:

7 A. all personnel of the motor transportation
8 division of the department of public safety are transferred to
9 the motor transportation highway police department, and, in
10 addition, the department of public safety shall transfer nine
11 full-time-equivalent positions and related appropriations to
12 the motor transportation highway police department to support
13 the employment, subject to the Personnel Act and rules
14 promulgated pursuant to that act, of one attorney position,
15 three payroll and finance positions, one human resources
16 position, two information technology positions and two
17 administrative positions;

18 B. all appropriations, money, records, property,
19 equipment and supplies of the motor transportation division of
20 the department of public safety are transferred to the motor
21 transportation highway police department;

22 C. all contracts, grants, agreements and other
23 obligations of the motor transportation division of the
24 department of public safety or of the department of public
25 safety relating to the motor transportation division are

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1 transferred to and binding on the motor transportation highway
2 police department;

3 D. all references in law and rules to the motor
4 transportation division of the department of public safety
5 shall be deemed to be references to the motor transportation
6 highway police department; and

7 E. all rules of the motor transportation division
8 of the department of public safety and all rules of the
9 department of public safety pertaining to the motor
10 transportation division shall be considered rules of the motor
11 transportation highway police department.

12 Section 34. REPEAL.--Sections 65-1-38 through 65-1-45
13 NMSA 1978 (being Laws 2007, Chapter 54, Sections 1 through 8)
14 are repealed.

15 Section 35. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2009.